

**PROCEEDINGS OF THE BROWN COUNTY BOARD OF SUPERVISORS**  
**SEPTEMBER 18, 2002**

Pursuant to Section 19.84 and 59.14, Wis. Stats., notice is hereby given to the public that the REGULAR meeting of the **BROWN COUNTY BOARD OF SUPERVISORS** was held on **Wednesday, September 18, 2002, at 7:00 p.m.**, at UW-Extension, 1150 Bellevue Street, Green Bay, Wisconsin.

The following matters will be considered:

Call to order.

Invocation.

Pledge of Allegiance to the Flag.

Opening Roll Call:

Present:       Antonneau, Nicholson, Miller, Hansen, Zima, Vander Leest, Vanden Plas,  
                  Collins, Daul, Fleck, Moynihan, Schadewald, Lund, Graves, Schmitt, Haefs,  
                  Kaye, Evans, Johnson, Kuehn, Marquardt, Van Deurzen, Clancy, Watermolen,  
                  Simons, Fewell

Total Present:       26

**No. 1 --       Adoption of agenda.**

A motion was made by Supervisor Watermolen and seconded by Supervisor Schmitt to approve the agenda as modified.

**No. 2 --       Approval of minutes of County Board Meeting of:**  
**a)       Special meeting of August 15, 2002.**

A motion was made by Supervisor Kuehn and seconded by Supervisor Nicholson to approve. Vote taken. Motion carried unanimously with no abstentions.

**b)       Regular meeting of August 21, 2002.**

A motion was made by Supervisor Daul and seconded by Supervisor Van Deurzen to approve. Vote taken. Motion carried unanimously with no abstentions.

**No. 3 --       Announcements by Supervisors. None.**

**No. 4 --       Communications. None.**

**No. 5 --       Late Communications.**

**No. 5a --     From Supervisors Nicholson, Evans, Miller, Lund, Vander Leest, Graves and Daul regarding: the preparation of the 2003 Brown County Budget with regard to total expenditures being limited to the estimated increase in inflation (CPA).**

Refer to Department of Administration.

**No. 5b -- From Supervisor Jim Schmitt regarding: a way for the NEW Zoo to continue to offer a "Family Pricing Plan" for the NEW Zoo.**

Refer to Education and Recreation Committee.

**No. 6 -- Appointments.** None.

**No. 7a -- Report by County Executive.**

Nancy Nusbaum encouraged County Board members to meet with her to discuss any concern with the budget. She said her office is always open to Supervisors. She gave her phone number (448-4001) and asked them to call and come to discuss the budget. She assured the Board that the department heads submit responsible budgets. She is not expecting a \$2 million carryover like she experienced last year..

She assured the Board that the State Law is strict and clear regarding the letting of bids, providing we do not exceed the budgeted amount. The law requires us to take the lowest bid.

Nancy addressed the Administration Committee recommendations to fund \$50,000 to teach English in Brown County.

She mentioned the N.E.W. Zoo has received accreditation for another 5 years. She thanked those in charge for a job well done.

**No. 7b -- Report by Board Chairman.**

Board Chair Simons challenged the Supervisors to work together. He encouraged the Supervisors to be professional and he promised he would try his best to lead in a positive direction.

**No. 8 -- Other Reports.** None.

**No. 9 -- Standing Committee Reports:**

**No. 9a -- REPORT OF ADMINISTRATION COMMITTEE OF SEPTEMBER 5, 2002**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The ADMINISTRATION COMMITTEE met in regular session on September 5, 2002, and recommends the following motions:

1. Review minutes of:
  - a. Facilities Master Plan Committee (8/8/02).
  - b. Housing Authority (7/17/02 & 8/19/02)Receive and place on file a-b.
2. Recommendation of County Executive Salary for next session according to Brown County Code, Chapter 2.06 (7). (Held from previous meeting.)

- a. Set the County Executive's Salary at \$69,985 for the next four years.  
Ayes: 2 (Graves, Miller); Nays: 2 (Hansen, Schadewald). Motion defeated.
  - b. Take Current salary and for next four years include an increase based no Consumer Price Index as currently defined in our resolution with a ceiling of 3% per year. Ayes: 1 (Schadewald); Nays: 3 (Hansen, Miller, Graves). Motion Failed.
  - c. Set the pay at \$75,690 for the first year with no raise until the 2<sup>nd</sup>, 3<sup>rd</sup> or 4<sup>th</sup> year.  
Ayes: 2 (Schadewald, Hansen); Nays: 2 (Miller, Graves). Motion failed.
  - d. Refer to Executive Committee with the three motions but no recommendations.  
Motion carried unanimously.
- 3. Invoice from City of Green Bay re: Billing for County's portion of city/county council chambers renovations. (Held from previous meeting.) Receive invoice and place on file.
  - 4. E-mail communication from Supervisor Robert Miller re: The firm hired as auditor for Brown County shall not perform any additional consulting or business advisory services for the county or affiliated entities. (Referred from August County Board.) Hold for further information.
  - 5. Communication from August County Board re: County Board Chair requests the County Board seek a declaratory judgment in regards to whether the County Executive Veto was done in a timely manner. (Referred from August County Board.) Receive and place on file.
  - 6. Communication from Supervisor Dan Haefs re: Requesting the committee review the Oneida Service Agreement in lieu of taxes and establish a timetable to renew negotiations for a future agreement. (Referred from August County Board.) Refer to County Executive for a letter to be sent indicating our willingness to begin negotiating.
  - 7. Late Communications: Supervisor Schadewald read a memo dated September 5, 2002 from Supervisor Rick Schadewald to Administration Committee member (see attached). Receive and place on file.

#### ATTACHMENT

To: Administration Committee Members  
 From: Supervisor Rick Schadewald, District 23  
 Date: September 5, 2002

Due to the passage of the Brown County resolution dealing with the affirmation of English as the language of our county government, I propose that this committee, which oversees several departments which deal directly with the public, advocate the County's financial and public support of all programs and educational efforts, such as the Literacy Council, that support the teaching of the English language.

Thank you for your consideration.

- 8.. Clerk – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
- 9. Facilities Management – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.

10. Department of Administration – Monthly Activities Report (July 22 through August 23, 2002). Receive and place on file.
11. Department of Administration 2002 Budget Transfer Log. Receive and place on file.
12. Department of Administration – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
13. Human Resources – Human Resources Monthly Committee Report (August 2002). Receive and place on file.
14. Human Resources – Second quarter 2002 Objective Monitoring Report. Receive and place on file.
15. Treasurer – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
16. Treasurer – New customer services. Receive and place on file.
17. Corporation Counsel – Resolution re: Disallowance of Claim (Timothy Bockin). Committee approved disallowance. See Resolutions, Ordinances September County Board.
18. Corporation Counsel – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
19. Audit of bills. Receive and place on file.

A motion was made by Supervisor Haefs and seconded by Supervisor Fleck to adopt. Vote taken. Motion carried. Supervisor Zima abstained from item #1b.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 10/3/2002

**No. 9b -- REPORT OF “SPECIAL” ADMINISTRATION COMMITTEE OF SEPTEMBER 18, 2002**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The ADMINISTRATION COMMITTEE met in *special* session on September 18, 2002, and recommends the following motions:

1. Resolution re: Transferring Funds to the Brown County Literacy Council. (See Resolutions, Ordinances September County Board.)

A motion was made by Supervisor Marquardt and seconded by Supervisor Hansen to adopt. Vote taken to postpone passage until Item 10b. Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 10/3/2002

No. 9c -- **REPORT OF EDUCATION AND RECREATION COMMITTEE OF  
AUGUST 22, 2002**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EDUCATION AND RECREATION COMMITTEE met in regular session on August 22, 2002, and recommends the following motions:

1. Review minutes of:
  - a) Library Board (6/21/02 & 7/19/02). Receive and place on file.
2. Discussion re: Village of Howard Trail. Receive and place on file.
3. Arena/Expo Centre – Attendance Report (July 2002). Receive and place on file.
4. Parks – Communication from Tim R. Quigley re: Brown County Fair. Receive and place on file.
5. Parks – Approve County Park areas open to hunting – 2002 season. Approve.
6. Parks – Approve after-hours trail commuter pass and procedures. Approve.
7. Parks – Approve parking agreement – YHIC property. Refer back to staff.
8. Parks – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
9. Parks – Director's Report. Receive and place on file.
10. Museum – Visitor Count for month of July 2002. Receive and place on file.
11. Museum – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
12. Museum – Director's report. Receive and place on file.
13. Museum – Discussion and information on Neville Public Museum Corporation proposal. No action.
16. Audit of bills. Pay the bills.
17. **Closed Session** pursuant to Section 19.85(1)(e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business since competitive and bargaining reasons required a closed session.
  - a) Enter into Closed Session.
  - b) Return to regular order of business.
  - c) Set up a committee to study the feasibility of the proposal and come up with a direction.

A motion was made by Supervisor Antonneau and seconded by Supervisor Kuehn to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive

Date: 10/3/2002

**No. 9d --      REPORT OF EXECUTIVE COMMITTEE OF SEPTEMBER 9, 2002**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EXECUTIVE COMMITTEE met in regular session on September 9, 2002, and recommends the following motions:

1. Review minutes of:
  - a) Diversity Affairs Council (8/14/02).  
Receive and place on file.
2. Report by County Executive. No action.
3. Legislative Subcommittee report. (No report.)
4. Recommendation of County Executive Salary for next session according to Brown County Code, Chapter 2.06(7). (Referred from Administration Committee.) Refer back to Administration Committee.
5. Ordinance re: To Amend Section 3.01 of the Brown County Code Relative to Award of Bid Contracts.
  - a) Committee approved.
  - b) Motion amended: To approve Ordinance subject to verification of the correct title by the Corporation Counsel and refer to County Board at their September meeting.  
See Resolutions, Ordinances September County Board.
6. Ordinance re: To Amend Section 3.06(5) of the Brown County Code Relative to Sale of Tax Delinquent Real Estate. Refer to Corporation Counsel for clarification.
7. Resolution re: Approving Labor Agreement for 2002-2003 between Brown County and the Human Services Professional Employees. Committee approved. See Resolutions, Ordinances September County Board.
8. Resolution re: Approving Labor Agreement for 2002-2003 of Brown County to the Brown County Neville Public Museum Employees. Committee approved. See Resolutions, Ordinances September County Board.
9. Resolution re: Approving Labor Agreement for 2002-2003 of Brown County to the Brown County Courthouse Employees. Committee approved. See Resolutions, Ordinances September County Board.
10. Resolution re: Approving Labor Agreement for 2002-2003 of Brown County to the Brown County Courthouse Employees. No action taken.
11. Communication from Supervisor Rob Miller re: Opening Mail in County Board office. (Referred from August County Board.)
  - a) Have Corporation Counsel draft a written waiver to be signed by supervisors wishing their mail to be opened by the Board secretaries.
  - b) Motion amended to also ask Corporation Counsel for a definition of when mail becomes open records.

12. E-mail communication from Supervisor Rob Miller: Firm hired as auditor for Brown County not perform any additional consulting or business advisory services for the county or affiliated entities. (Referred from August County Board to Administration Committee & Executive Committee.) Receive and place on file.
13. The County Board Chair requests the County Board seek a declaratory judgment in regards to whether the County Executive Veto was done in a timely manner. (Referred from August County Board.) Receive and place on file.
14. Communication from Supervisors Patrick Evans, Tom Lund, Alice Daul and Fred Graves re: Censure of Brown County Executive with regards to statement in the July 15, 2002 Chicago Tribune. (Referred from August County Board to Executive Committee and Diversity Affairs Council.)
  - a) Censure County Executive for comments made to Chicago Tribune. Ayes: 3 (Daul, Moynihan, Simons); Nays: 3 (Antonneau, Marquardt, Kaye). Motion defeated.
  - b) Motion amended to also censure Board Chairman Ken Simons for derogatory remarks made regarding Supervisor Marquardt and Supervisor Fewell. Ayes: 2 (Kaye, Marquardt) Nays: 4 (Antonneau, Daul, Moynihan, Simons) Motion defeated.
  - c) Motion amended to receive and place the communication to censure on file. Ayes: 3 (Daul, Moynihan, Simons); Nays: 3 (Antonneau, Kaye, Marquardt). Motion defeated.
15. Communication from Supervisor Pat Collins re: Improper Behavior of Supervisors. (Referred from August County Board.)
  - a) Refer to Ethics Board. Ayes: 2 (Kaye, Marquardt); Nays: 4 (Antonneau, Daul, Moynihan, Simons). Motion defeated.
  - b) Receive and place on file. Unanimous.
16. Update re: Outside legal counsel invoice (Internal Auditor, Mike Stratman). Pay the reduced bill of Attorney Mark Hazelbaker in the amount of \$540.
17. Communication from Supervisor Guy Zima re: Requesting the County Board review and revise the County Board policies regarding outside legal opinions. (Referred from August County Board.) Refer to Legislative Subcommittee.
18. Communication from Supervisor Patrick Moynihan, Jr., re: Classification and Compensation Plan – Alternative Proposal. Hold for one month until cost factors are provided.
19. **Closed Session:** For the purpose of deliberating whenever competitive or bargaining reasons require a closed session pursuant to Wisconsin State Statute 19.85(1)(e). In the alternative, the Executive Committee is meeting for the purpose of collective bargaining and is not subject to the Wisconsin open meetings law pursuant to 19.82(1) of the Wisconsin State Statutes.
  - a) Enter into closed session.
  - b) Return to regular order of business.
  - c) No action taken.

A motion was made by Supervisor Moynihan and seconded by Supervisor Daul to adopt. Supervisor Haefs requested that item #5 be taken separately. Remainder of report passed unanimously with no abstentions.

Item #5 -- Ordinance re: To Amend Section 3.01 of the Brown County Code Relative to Award of Bid Contracts

Supervisor Haefs asked questions regarding Item #5.

A motion was made by Supervisor Zima and seconded by Supervisor Haefs to adopt item #5. Vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 10/3/2002

**No. 9e -- REPORT OF HUMAN SERVICES COMMITTEE OF AUGUST 21, 2002**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The HUMAN SERVICES COMMITTEE met in regular session on August 21, 2002, and recommends the following motions:

1. Review minutes of:
  - a) Homeless Issues and Affordable Housing Subcommittee (7/16/02).
  - b) Aging Resource Center – Program Committee (7/18/02).
  - c) Aging Resource Center – Long Term Care (7/23/02).
  - d) Aging Resource Center – Finance Committee (7/26/02).
  - e) Aging Resource Center (7/26/02).
  - f) Community Options Program Appeals (7/22/02).
  - g) Children with Disabilities Education Board (7/22/02).

Receive and place on file items a-g.
2. Veterans’ Services – Second Quarter 2002 Objective Monitoring Report. Approve.
3. Veterans’ Services Director’s report. Approve.
4. Syble Hopp School – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
5. Aging Resource Center – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
6. Health Department – Request for Budget Transfer: Increase in Expenditures with Offsetting Increase in Revenue: Tuberculosis dispensary grant funding from Public Health to primarily fund patients without adequate healthcare resources for outpatient costs. No additional staff will be hired (\$49,275). Approve with sunset clause.
7. Health Department – Request for Budget Transfer: Increase in Expenditures with Offsetting Increase in Revenue: Grant program “Wisconsin Wins” fulfilling requirement of enforcement of youth access to tobacco laws (\$38,200). Approve.
8. Health Department – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.



9. Health Department – Director’s report. (No director’s report.)
10. Human Services Department – Reclassification request for Karen Schweda. Approve.
11. Human Services Department – Discussion re: Issues from special County Board meetings of July 24, 2002 and August 15, 2002 regarding Mental Health Center.
  - a) Human Services Department – Discussion re: Request for proposals for independent review of Mental Health Center. Refer this to next meeting.
  - b) Human Services Department – Discussion re: Architectural design fees. Hold this item until next meeting and requests a report from Mark Keckeisen as to progress to date of architectural plans. Also, that our Chairman communicate with our Executive Branch and report back to committee at next meeting.
12. Human Services Department – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
13. Human Services – Director’s report.
  - a) Communication from Supervisor Pat Evans re: Discussion of Brown County’s Olmstead compliance plan. Receive and place on file.
  - b) Communication from Supervisor Pat Evans re: Estimate of Operating Budget for the Potential new Mental Health Center. Receive and place on file.
  - c) Communication from Supervisor Pat Evans re: Patients Transported out of the Mental Health Center. Receive and place on file.
14. Audit of bills. Pay the bills.

A motion was made by Supervisor Vander Leest and seconded by Supervisor Antonneau to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: \_\_\_\_\_ \s\ Nancy J. Nusbaum, County Executive Date: 10/3/2002

**No. 9f -- REPORT OF SPECIAL HUMAN SERVICES COMMITTEE OF AUGUST 28, 2002**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The HUMAN SERVICES COMMITTEE met in *special* session on August 28, 2002, and recommends the following motions:

1. Request for proposal to discuss the privatization of the Mental Health Center. Instruct Mr. Stratman to send out a Request for Proposal (RFP) to hire a health care consultant to analyze and report to the County Board regarding the final Bellin proposal.
2. Discuss the architectural fees progress to date. Upon completion of the 90% design stage, the architect fees shall be suspended until further approval by the Brown County Board. Ayes: 6 (Fewell, Miller, Evans, Fleck, Collins, Clancy); Nays: 1 (Zima). Motion Carried.

A motion was made by Supervisor Antonneau and seconded by Supervisor Graves to adopt. Supervisor Zima requested Item #2 be taken separately. Vote taken. Motion carried unanimously with no abstentions to adopt the remainder of the report.

Item #2 -- Discussion of the architectural fees progress to date.

Mark Keckeisen said his guess (at the August 20<sup>th</sup> meeting) is that there is \$247,000 left in Architectural fees account. When billing came out (end of July) \$247,000 was left in budgeted amount with 90% of project – approximately \$70,000 could be left. If this project is abandoned, the risk would be losing that money spent on architectural fees.

Supervisor Zima asked what is normal monthly billing.

Mr. Keckeisen stated it depends on time and the number of people spent on the project.

A motion was made by Supervisor Zima and seconded by Supervisor Haefs that the County Board instruct staff to halt all architectural plans for the proposed new mental health center until such time as the County Board has made its final decision on whether or not to privatize part or all of the mental health center. Vote taken. Roll Call #9f1:

Ayes: Graves, Nicholson, Schmitt, Haefs, Zima, Vander Leest, Daul, Van Deurzen, Moynihan, Simons

Nays: Antonneau, Miller, Hansen, Kaye, Evans, Johnson, Vanden Plas, Kuehn, Collins, Marquardt, Fleck, Clancy, Watermolen, Schadewald, Lund, Fewell

Total Ayes: 10 Total Nays: 16

Motion defeated to refer.

A motion was made by Supervisor Kuehn and seconded by Supervisor Collins to adopt Item #2 of the report. Vote taken. Supervisors Graves, Zima and Haefs voted no. Motion carried.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 10/3/2002

**No. 9g -- REPORT OF PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE AND LAND CONSERVATION SUBCOMMITTEE OF AUGUST 29, 2002**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE AND LAND CONSERVATION SUBCOMMITTEE met in regular session on August 29, 2002, and recommends the following motions:

**Land Conservation Subcommittee**

1. Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
2. Director's report. Receive and place on file.

**Planning, Development and Transportation Committee**

1. Review minutes of:
  - a) Planning Commission Board of Directors (7/10/02).
  - b) Land Information Office Committee (7/17/02).

- c) Harbor Commission (6/3/02).
- d) Planning Commission Board of Directors Transportation Subcommittee (4/23/02). Receive and place on file items a-d.
- 2. Land Information Office – Presentation of overview/activities of Land Information Office. No action.
- 3. Register of Deeds – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
- 4. UW-Extension – Proposed budget for the 2003 Brown County Fair. Receive and place on file.
- 5. UW-Extension – Request approval of \$1500 grant from UW-Extension for the UW-Extension horticulture intern position. Approve.
- 6. UW-Extension – Approved draft reimbursement schedule for owner's claim for damages to animals. Accept and draft a resolution including a police report and stating that the burden of proof is mandatory. See Resolutions, Ordinances September County Board.
- 7. UW-Extension – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
- 8. UW-Extension – Director's report. (No director's report.)
- 9. Airport – Resolution re: Petition for Airport Improvement aid. Committee approved. See Resolutions, Ordinances September County Board.
- 10. Airport – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
- 11. Airport Director's report. Receive and place on file.
- 12. Zoning – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
- 13. Zoning Director's report. Receive and place on file.
- 14. Planning Commission – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
- 15. Port & Solid Waste – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
- 16. Port & Solid Waste – Director's report. Receive and place on file.
- 17. Survey – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
- 18. Highway – Discussion of the proposed improvement alternatives for the Greenleaf Highway Shop. Accept proposal of alternative B and move forward.
- 19. Highway – Ordinance re: Revising the Speed Limit on CTH "V" (Finger Road), from Northview Road to CTH "T" in the Town of Humboldt. Hold for one month.
- 20. Highway – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
- 21. Highway – Commissioner's report. Receive and place on file.
- 22. Audit of bills. Pay the bills.
- 23. Discussion of "new" time and date for Planning, Development and Transportation Committee meetings. (Second Thursday of each month. Next meeting 9/12/02).

A motion was made by Supervisor Antonneau and seconded by Supervisor Fleck to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive

Date: 10/3/2002

No. 9h -- **REPORT OF PLANNING, DEVELOPMENT AND TRANSPORTATION  
OF SEPTEMBER 12, 2002**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE met in regular session on September 12, 2002, and recommends the following motion:

1. Request for easement by Koch Materials Company. (Easement to be distributed at meeting.) **\*\*Please Note\*\*** Only one agenda item taken from this meeting to go to September 18, 2002 County Board Meeting. Approved per property description (see attached.)

Attachment

Date: August 23, 2002

Project No. H-16886

Client: Koch Materials Co.

RE: Easement area from Brown County to Koch Materials.

**LEGAL DESCRIPTION**

Part of Lot 49 of the Fort Howard Military Reserve, located in T24N-R19E, City of Green Bay, Brown County, Wisconsin more fully described as follows:

Commencing at the northwest corner of Lot 49 of the Fort Howard Military Reserve; thence S64° 14' 12" E, 1766.35 feet along the north line of said Lot 49; thence S25° 45' 48" W, 123.46 feet to the point of beginning; thence S00° 43' 16" W, 30.00 feet; thence S85° 57' 27" W, 60.21 feet along said retaining wall; thence N00° 43' 16" E, 35.00 feet; thence S89° 16' 44" E, 60.00 feet to the point of beginning.

Parcel contains 1950 square feet/0.04 acres more or less.

Subject to any restrictions of record.

A motion was made by Supervisor Daul and seconded by Supervisor Antonneau to adopt. Supervisor Daul made a motion addressing liability concerns with issuing this easement. After much discussion, a motion was made by Supervisor Kuehn and seconded by Supervisor Miller to refer back to the Planning, Development and Transportation Committee.

Discussion followed.

Supervisor Van Deurzen explained the county received property from Federal Government. He also explained the provisions for the future of the property.

Vote taken to refer. Supervisors Lund, Haefs and Daul voted nay. Motion carried to refer.

**No. 9i -- REPORT OF SPECIAL PLANNING, DEVELOPMENT AND  
TRANSPORTATION COMMITTEE OF SEPTEMBER 18, 2002**

Meeting cancelled.

**No. 9j -- REPORT OF PUBLIC SAFETY COMMITTEE OF SEPTEMBER 4, 2002**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PUBLIC SAFETY COMMITTEE met in regular session on September 4, 2002, and recommends the following motions:

1. Volunteers in Probation Statistics report ending June 30, 2002. No action.
2. Update from Volunteers in Probation. To accept.
3. Resolution re: Crime Prevention Awareness Month. Committee approved. See Resolutions, Ordinances September County Board.
4. Circuit Courts – Communication from Brown County Courthouse Security Committee Chair, Gary Wickert, re: Courthouse Access. (Held from previous meeting.) Hold for 30 days.
5. Public Safety Communications – Communication from Supervisor Tom Lund re: A letter of complaint from Jeremiah Farrell regarding County Dispatch. No action.
6. Public Safety Communications – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
7. Clerk of Courts – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
8. Clerk of Courts Statistics. Receive and place on file.
9. Medical Examiner – Second Quarter 2002 Objective Monitoring Report. Receive and place on file.
10. Sheriff – Discussion of Huber facility. Refer to Facilities Master Plan Committee.
11. Sheriff – Ordinance re: To Amend Sec. 30.02 of the Brown County Code – Schedule of Deposits. Committee accepted and approved. See Resolutions, Ordinances September County Board.
12. Sheriff – Jail population and overtime report. Accept and approve.
13. Second Quarter 2002 Objective Monitoring Report. Accept and approve.
14. Sheriff's report. Accept and approve.
15. Asset forfeiture budget expenditure for AFIS (Automatic Fingerprint Identification System) workstation. Approve.
16. Audit of bills. Pay the bills.

A motion was made by Supervisor Schmitt and seconded by Supervisor Kaye to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive

Date: 10/3/2002

**No. 10 -- Resolutions, Ordinances.**

**No. 10a -- RESOLUTION REGARDING: DISALLOWANCE OF CLAIM  
(TIMOTHY BOCKIN)**

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE  
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, a Notice of Claim and Claim were filed on July 17, 2002 in the Brown County Clerk's office; and

WHEREAS, said Notice of Claim and Claim allege that Timothy Bockin sustained damages, and alleges that said damages were caused by Brown County and employees of Brown County; and

WHEREAS, after a review of this matter by the Corporation Counsel's office, said office recommends that the Claim be denied.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that the Claim submitted by Timothy Bockin be and the same is hereby denied, and no action on this claim may be brought against Brown County or any of its officers, officials, agents or employees after six months from the date of service of this notice.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the claimant, Timothy Bockin, as a notice of disallowance.

Respectfully submitted,  
ADMINISTRATION COMMITTEE

A motion was made by Supervisor Kuehn and seconded by Supervisor Daul to adopt. Vote taken. Roll Call 10a1:

Ayes: Antonneau, Graves, Nicholson, Schmitt, Miller, Haefs, Hansen, Kaye, Zima, Evans, Vander Leest, Johnson, Vanden Plas, Kuehn, Collins, Marquardt, Daul, Van Deurzen, Fleck, Clancy, Moynihan, Watermolen, Schadewald, Simons, Lund, Fewell

Nays: None

Total Ayes: 26 Nays: 0

Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 10/3/2002

**No. 10b -- RESOLUTION REGARDING: TRANSFERRING FUNDS TO THE  
BROWN COUNTY LITERACY COUNCIL**

A motion was made by Supervisor Watermolen and seconded by Supervisor Fleck to adopt. Under discussion.

Supervisor Marquardt read the amended version of the resolution.

After a discussion, a motion was made by Supervisor Haefs and seconded by Supervisor Miller to refer back to Administration Committee.

Several Supervisors spoke on this resolution. Some had questions and concerns.

Discussion on referral.

Vote taken on referring back to Administration Committee. Roll Call #10b1:

Ayes: Antonneau, Graves, Nicholson, Schmitt, Miller, Haefs, Kaye, Zima, Evans, Vander Leest, Johnson, Vanden Plas, Collins, Marquardt, Daul, Van Deurzen, Fleck, Moynihan, Simons, Lund

Nays: Hansen, Kuehn, Clancy, Watermolen, Schadewald, Fewell

Total Ayes: 20 Total Nays: 6

Motion carried to refer back to Administration Committee.

**No. 10c -- ORDINANCE REGARDING: TO AMEND SECTION 3.01 OF THE BROWN COUNTY CODE RELATIVE TO AWARD OF BID CONTRACTS**

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1 - Section 3.01 of the Brown County Code of Ordinances is hereby amended to read as follows:

3.01 PUBLIC WORKS PROJECTS. (1) Public Work, How Done. All public work undertaken by Brown County or any agency thereof, including any contract for the construction, repair, remodeling, or improvement of any public work, building, or furnishing of supplies or materials of any kind where the estimated cost of such work will exceed ~~\$20,000~~ \$25,000, shall be let by contract to the lowest responsible bidder. Any public work, the estimated cost of which does not exceed ~~\$20,000~~ \$25,000, once the funds have been provided by the County board by either the budgetary or transfer process, shall be let by the ~~Committee, commission, Board or Agency to whom the money has been appropriated without further action by the County Board after Committee review.~~ If the estimated cost of any public work is between \$5,000 and ~~\$20,000~~ \$25,000, the County shall give a Class 1 notice under Ch. 985, Stats., before it contracts for the work or shall contract with a person qualified as a bidder under s.~~66.29(2)~~ 66.0901(2), Stats. A contract, the estimated cost of which exceeds ~~\$20,000~~ \$25,000 shall be let and entered into under s.~~66.29(2)~~ 66.0901, excepting that the County Board may by a three-fourths vote of all the members entitled to a seat, provide that any class of public work or any part thereof may be done directly by the County without submitting the same for bids. This subsection does not apply to highway contracts which the County Highway officials or employees are authorized by law to let or make (~~Sec. 59.08, Wis. Stats.~~) Sec. 59.52 (29), Wis. Stats.)

(1)(a) Procedures for Change Orders to Public Works Contracts. Whenever it becomes necessary that a change order to a public works project contract be authorized on public work projects undertaken by Brown County or any agency thereof, the following procedures shall be utilized.

As provided in Sec. ~~59.08~~, 59.52(29), Stats., and Sec. ~~Sec. 56.29~~ 66.0901, Stats., all public works contracts entered into by Brown County must be awarded to the lowest responsible bidder. In order to monitor any contract amendments causing changes in the contract price relating to change orders for work to be performed by the contractor selected, the Director of Facilities shall report all change orders to the relevant standing committee of the County Board of Supervisors. Those change orders which would change the cost of the public works project contract in excess of \$10,000.00 or 25% of the contract price of the public works project, whichever is less, must receive prior approval of such appropriate standing committee.

The County Executive shall have the authority to authorize change orders in emergency situations without proper approval of such appropriate standing committee but upon conferral with the County Board Chair and Chairman of the appropriate standing committee. In those situations where the public works project is governed by other specific statutory authority, the procedures set forth herein do not apply.

(b) Bid Modifications. When the County bids a public work, pursuant to Sec. ~~59.08~~, 59.52(29), Stats., and the low bidder wishes to increase its bid after the bids have been opened, the Administration Committee shall be informed of this request and shall consider the matter before a decision is made on awarding that portion of the bid.

(2) Public Emergencies. The provisions of subsection (1) above are not mandatory for the repair or reconstruction of public facilities when damage or threatened damage thereto creates an emergency, as determined by resolution of the County Board, in which the public health or welfare of the county is endangered. If an emergency occurs at such time as the County Board is not in session, then the County Executive shall have the authority to authorize emergency repairs until such time as the County Board convenes in regular or special session (Sec. ~~59.08~~ 59.52(29), Wis. Stats.).

(3) Prevailing Wage Rate. (a) The County Clerk shall obtain from the Wisconsin Department of Industry, Labor and Human Relations the prevailing wage rate, hours of labor, and hourly basic pay rates for each trade or occupation required in any public work project by Brown County.

(b) All contractors or sub-contractors on any Brown County public works project shall pay the prevailing wage rates, including overtime, as determined by the State Department of Industry, Labor and Human Relations, to all of their employees engaged on any such project.

(c) The Director of Facilities shall notify the County Clerk whenever a public work project begins or ends and the name of the contractors involved.



Each contractor engaged upon a public work project shall file with the County Clerk, within 10 days after the close of each week, a weekly or payroll period report of all employees engaged in such project. Such report shall be made in a form specified by the County Clerk.

(4) Penalty. Any person violating any provisions of this section may be required to forfeit not less than \$10 nor more than \$200. The failure to pay the required wage to an employee for any one week or part thereof, or the failure to file the report in any one week, shall be deemed a separate offense.

Section 2 - This ordinance shall become effective upon passage and publication.

Respectfully submitted,  
EXECUTIVE COMMITTEE

A motion was made by Supervisor Graves and seconded by Supervisor Antonneau to adopt. Supervisor Haefs questioned if this ordinance is valid?

Ken Bukowski, Corporation Counsel, gave his recollection of the history of Executive Nancy Nusbaum succeeding Executive Tom Cuene; Ken can't recall, except once, when lowest bidder wasn't taken. He further explained that this is an administrative decision, not a County Board decision.

Ken Bukowski stated a compromise can approve bids and change orders up to \$10,000. Responding to questioning of Supervisors, Ken believes his opinion is correct.

A motion was made by Supervisor Marquardt and seconded by Supervisor Zima to refer back to Executive Committee.

Discussion on referral.

Vote taken. Roll Call #10c1:

Ayes: Antonneau, Graves, Nicholson, Schmitt, Miller, Haefs, Hansen, Kaye, Zima, Evans, Vander Leest, Johnson, Vanden Plas, Kuehn, Collins, Marquardt, Daul, Van Deurzen, Fleck, Clancy, Moynihan, Watermolen, Schadewald, Simons, Lund, Fewell

Nays: None

Total Ayes: 26 Total Nays: 0

Motion carried unanimously with no abstentions.

Approved by: \_\_\_\_\_ \s\ Nancy J. Nusbaum, County Executive Date: 10/3/2002

Approved by: \_\_\_\_\_ \s\ Darlene K. Marcelle, County Clerk Date: 10/4/2002

Approved by: \_\_\_\_\_ \s\ Kenneth J. Simons, Board Chairman Date: 10/4/2002

A motion was made by Supervisor Antonneau and seconded by Supervisor Van Deurzen to adopt Resolutions #10d thru 10f with one vote. Vote taken. Roll Call #10d(1):

Ayes: Antonneau, Graves, Nicholson, Schmitt, Miller, Haefs, Hansen, Kaye, Zima, Evans, Vander Leest, Johnson, Vanden Plas, Kuehn, Collins, Marquardt, Daul, Van Deurzen, Fleck, Clancy, Moynihan, Watermolen, Schadewald, Simons, Lund, Fewell

Nays: None

Total Ayes: 26 Total Nays: 0

Motion carried unanimously with no abstentions.

No. 10d -- **RESOLUTION REGARDING: APPROVING LABOR AGREEMENT FOR  
2002-2003 BETWEEN BROWN COUNTY AND THE HUMAN SERVICES  
PROFESSIONAL EMPLOYEES**

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE  
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, Brown County has been negotiating with the Brown County Human Services Professional Employees bargaining unit seeking agreement on a labor agreement, and the parties have agreed to submit certain amendments of the predecessor labor agreement to their respective governing bodies for ratification.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that it hereby approves the tentative agreement between Brown County and the Brown County Human Services Professional Employees as contained in the tentative agreement attached hereto and made a part hereof as though fully set forth.

Respectfully submitted,  
EXECUTIVE COMMITTEE

**ATTACHMENT**

August 26, 2002

Mr. Frederick Mohr  
Attorney-at-Law  
P O Box 1015  
Green Bay, WI 54305

RE: Human Services Professional Employees Agreement 2002-2003

Dear Mr. Mohr:

This proposal as presented is the result of the mediation held on August 6, 2002. This is a package proposal where all components must either be accepted or rejected in total. This proposal is intended to complete negotiations for the 2002 – 2003 contract.

It is the understanding of the County that the tentative agreements and this proposal will be presented to the Union membership for a ratification vote. The terms and conditions outlined in this proposal are proposed by the County only under the terms of a voluntary settlement. As explained to the committee, should a voluntary settlement not be reached prior to implementing the impasse resolution procedure, this same offer will not be placed on the table for discussion by the County during the impasse resolution procedure.

The package proposal components are as follows:

All tentative agreements signed between the parties and listed here.

**The County proposes the predecessor contract with the following amendments:**

1. ARTICLE 11 INSURANCE

The Basic Plan shall be eliminated effective 1/1/03; all language referencing the Basic Plan shall be removed from the contract, substitute reference in contract to PPO.

Effective 1/1/03, amend the premium contributions to 5% on all plans.

The HSP Plan shall be amended effective 1/1/03 in the following manner:

Nervous and Mental coverage shall be upgraded to that of the PPO.

All plans will be amended as follows:

Effective 1/1/03 the requirement for pre-certification for first ten out patient therapies shall be eliminated in all plans.

\$25.00 penalty for non-emergency use of the emergency room

3 tier formulary for RX (20%, 20%, 20% + \$15.00)

2. ARTICLE 23 HOLIDAYS

Add an additional personal day

3. ARTICLE 33 DURATION OF AGREEMENT

Amend the dates referenced in lines 702 and 703 to read as follows:

This agreement shall become effective January 1, 2002, and shall remain in force and effect up to and including December 31, 2003.

4. ARTICLE 12 WRS

Willing to increase employer contribution commensurate with percentage wage increase.

SCHEDULE A

Increase all wages by 3% effective the pay period that includes 1/1/02.

Increase all wages by 3% effective the pay period that includes 1/1/03.

Incorporate a listing of positions

Delete all references to CEU's (Continuing Education Credits) and replace with CEH's (Continuing Education Hours).

EXISTING MEMORANDUMS

Christmas Eve and New Year's Eve Holiday

Update and resign

Flexitime Scheduling  
County Wide Insurance  
Tax sheltered Annuity Plan  
Preferred Provider Organization-Mental Health Benefits

Update and resign  
Update and resign  
Delete  
Delete

#### NEW MEMORANDUM

##### EAP Gatekeeper

The following agreement has been reached between Brown County and the Human Services Professional Employees Association, represented by Frederick J. Mohr:

The parties acknowledge the cost management concerns of Brown County associated with the membership remaining outside of the EAP Gatekeeper Program for Mental Health Benefits and the privacy and confidentiality concerns of the bargaining unit.

The County will investigate an alternative resource to serve as EAP Gatekeeper for Mental Health Benefits for this unit with the expectation that the Professional Employees Association will make a good faith effort to negotiate and will commit to the alternative EAP provider if the union's concerns can be met.

This memorandum of understanding expires on December 31, 2003.

#### NEW MEMORANDUM

##### VEBA Account

The employer will create a VEBA plan and will administer the contribution of a percentage of casual time remaining at the end of this year into this account on behalf of each employee, the uniform percentage to be determined by the union. Employees will pay all requisite administration fees. Employees will also be allowed to place any sick leave balances (as determined by the contract) remaining at the time of retirement in the fund at a uniform percentage to be determined by the employees retiring that year. This plan shall be put in place 1/1/03 or as soon thereafter as the County is able to administer and provide training for it.

##### **End of Document**

Please contact me if any portions of this proposal do not accurately reflect what had been agreed to.

Very truly yours,

**CITY/COUNTY HUMAN RESOURCES DEPARTMENT**

James M. Kalny

Human Resources Director

Approved by: \_\_\_\_\_ \s\ Nancy J. Nusbaum, County Executive

Date: 10/3/2002

No. 10e -- **RESOLUTION REGARDING: APPROVING LABOR AGREEMENT FOR  
2002-2003 BETWEEN BROWN COUNTY TO THE BROWN COUNTY  
NEVILLE PUBLIC MUSEUM EMPLOYEES**

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE  
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, Brown County has been negotiating with the Brown County Neville Public Museum Employees bargaining unit seeking agreement on a labor agreement, and the parties have agreed to submit certain amendments of the predecessor labor agreement to their respective governing bodies for ratification.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of supervisors that it hereby approves the tentative agreement of Brown County to the Brown County Neville Public Museum Employees as contained in the tentative agreement attached hereto and made a part hereof as though fully set forth.

Respectfully submitted,  
EXECUTIVE COMMITTEE

**ATTACHMENT**  
**TENTATIVE AGREEMENT OF BROWN COUNTY TO THE  
BROWN COUNTY NEVILLE PUBLIC MUSEUM EMPLOYEES**

**This is a package proposal where all components must either be accepted or rejected in total. This proposal is intended to complete negotiations for the 2002-2003 contract.**

**It is the understanding of the County that this Tentative Agreement will be presented to the Union membership with the recommendation of the bargaining committee for a ratification vote. The terms and conditions outlined in this proposal are proposed by the County only under the terms of a voluntary settlement. As explained to the committee, should a voluntary settlement not be reached prior to implementing the impasse resolution procedure, this same offer will not be placed on the table for discussion by the County during the impasse resolution procedure.**

**ARTICLE 16 HOLIDAYS**

Provide an additional personal leave day to be used in the same manner as vacation as a quid for insurance changes effective 1/1/03.

**ARTICLE 21 INSURANCE**

The Basic Plan shall be eliminated effective 1/1/03; all language referencing the Basic Plan shall be removed from the contract and replaced with reference to the PPO.

Effective 1/1/03 amend the premium contributions to 5% on all plans.

The HSP Plan shall be amended effective 1/1/03 with the following changes:  
Update nervous and mental to be the same as the PPO

All plans shall be amended as follows:

\$25.00 penalty for non-emergency use of the emergency room

3 tier formulary for RX (20%, 20%, 20% + \$15.00)

Effective 1/1/03 the requirement for pre-certification for first ten out patient therapies shall be eliminated in all plans

#### ARTICLE 23 WERC

Amend to provide for utilization of WERC arbitrators upon mutual consent.

#### ARTICLE 25 PENSION

Increase commensurate with wage increase upon voluntary settlement

#### ARTICLE 26 DURATION OF AGREEMENT

Amend the dates referenced in lines 713-714 to read as follows:

This agreement shall become effective January 1, 2002, and shall remain in force and effect to and including December 31, 2003.

#### APPENDIX A

Reference dates in line 709 to 2002 – 2003.

Increase all positions on the Schedule by 3% for 2002 and 3% for 2003.

#### MEMORANDUMS OF UNDERSTANDING

Rotating Sunday Work Schedule	Resign
Advancement Procedure (5-year Pilot Project)	Resign
Compensatory Time	Resign
County Wide Insurance	Delete
Work Week	Resign
Dental Coverage Memo	Delete
Vision Coverage	Delete
Retiree Coverage	Delete
Direct Deposit	Resign

#### MISCELLANEOUS POLICY

##### TESTING

The County agrees that it will use the following effective periods for tests during the term of this agreement:

Scores for Position are valid for five (5) years.

Scores for Skills are valid for eighteen (18) months.

##### **End of Document**

Approved by: \_\_\_\_\_ \s\ Nancy J. Nusbaum, County Executive

Date: 10/3/2002

No. 10f -- **RESOLUTION REGARDING: APPROVING LABOR AGREEMENT FOR  
2002-2003 BETWEEN BROWN COUNTY AND THE BROWN COUNTY  
HIGHWAY DEPARTMENT EMPLOYEES**

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE  
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, Brown County has been negotiating with the Brown County Highway Department bargaining unit seeking agreement on a labor agreement, and the parties have agreed to submit certain amendments of the predecessor labor agreement to their respective governing bodies for ratification.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that it hereby approves the tentative agreement between Brown County and the Brown County Highway Department Employees as contained in the tentative agreement attached hereto and made a part hereof as though fully set forth.

Respectfully submitted,  
EXECUTIVE COMMITTEE

**ATTACHMENT**  
**TENTATIVE AGREEMENT BETWEEN BROWN COUNTY AND THE  
BROWN COUNTY HIGHWAY DEPARTMENT EMPLOYEES**

This is a package proposal where all components must either be accepted or rejected in total. This proposal is intended to complete negotiations for the 2002-2003 contract.

It is the understanding of the County that this Tentative Agreement will be presented to the Union membership with the recommendation of the bargaining committee for a ratification vote. The terms and conditions outlined in this proposal are proposed by the County only under the terms of a voluntary settlement. As explained to the committee, should a voluntary settlement not be reached prior to implementing the impasse resolution procedure, this same offer will not be placed on the table for discussion by the County during the impasse resolution procedure.

**The package proposal components are as follows:**

**ARTICLE 11 INSURANCE**

The Basic Plan shall continue to be offered through the term of this agreement. The union will not object to the use of the plan being subject to acknowledgement by the employee that they have read and understood the attached document.

Effective 1/1/03, amend the premium contributions to 5% on all plans.

The HSP Plan shall be amended effective 1/1/03 in the following manner:

Nervous and Mental coverage shall be upgraded to that of the PPO

Effective 1/1/03 the requirement for pre-certification for first ten out patient therapies shall be eliminated in all plans

\$25.00 penalty for non-emergency use of the emergency room

3 tier formulary for RX (20%, 20%, 20% + \$15.00)

#### ARTICLE 20 VACATION

The contract will be amended effective 1/1/03 to reflect the addition of one personal leave day that may be used in the same manner as vacation.

#### ARTICLE 30 DURATION OF AGREEMENT

Amend the dates referenced in lines 904 to 905 to read as follows:

This agreement shall become effective January 1, 2002, and shall remain in force and effect up to and including December 31, 2003.

#### SCHEDULE A

Increase all positions on the Schedule by 3% of the average of the wage rate for 2002 utilizing \$16.90 as the average rate (\$.51). 3% wage increase effective 1/1/03 on the recalculated average.

#### SCHEDULE B

Increase by 3% for 2002. 3% wage increase effective 1/1/03.

#### CURRENT MEMORANDUMS OF UNDERSTANDING

Insurance	Delete
Dental Insurance	Delete
Vision Insurance	Delete
Retirement Insurance Options	Delete

#### HOURS OF WORK

On a trial basis as a memo of understanding subject to discontinuance at the discretion of management:

Start last Monday in April

6:00 a.m. to 4:00 p.m. until the last Friday of September

6:30 a.m. to 4:30 p.m. until the third Friday in October

Any discontinuance of this schedule would result in reverting to the current 4-10 schedule as currently in the contract.

#### THE FOLLOWING TAed ITEMS:



## ARTICLE 8

Panel – Status quo agree that open panel is the default but the parties can agree to WERC panel.

## ARTICLE 12 – PENSION

County will increase employer contribution commensurate with % wage increase.

## ARTICLE 22 – HOURS OF WORK

### **Line 570:**

#### **Delete:**

(This sentence does not apply to snow emergency situations.)

### **Lines 594 to 600**

#### **Eliminate:**

B. Sign and Traffic Signal Knockdowns, Traffic Control Signing:

1. Bid full-time sign shop employees
2. Bid part-time sign shop employees
3. Bid section employee
4. Highway crew seniority at nearest shop
5. Overall highway crew seniority

#### **Add:**

B. Sign Knockdowns and Traffic Control Signing:

1. Bid sign shop employee
2. Bid section employee \*
3. Bid sign shop employees
4. Highway crew seniority at nearest shop
5. Overall highway crew seniority

#### **State Sections:**

Bid winter snowplow truck sections (17)

#### **County Sections:**

Bid winter snowplow truck sections (14)

#### **Town Sections:**

Bid winter snowplow truck sections (6)

### **Amend Lines 604 to 606 to read as follows:**

C. Equipment Repair – Field and Shop

1. 1<sup>st</sup> Mechanic seniority
2. Overall shop employee seniority
3. Bridge Crew/Blacksmith Helper
4. Overall Highway crew seniority

**Add the following language at Line 642:**

- H. Guardrail and Bridge Joint Cutting
  - 1. Bridge Crew Seniority
  - 2. Chief Blacksmith
  - 3. Blacksmith
  - 4. Overall Highway crew seniority

**ARTICLE 23 – SENIORITY**

**Add the following language at Line 735:**

“The employer will be allowed to test all employees who bid for the positions of Chief Blacksmith and Facility Mechanic, and the most senior qualified employee who meets the minimum qualifications of the test, will be awarded the job position. The Union and County will adopt the testing language agreed to in the Brown County Courthouse Employee Union contract including all rights to challenge said test. Test scores will be valid for an agreed upon time frame. The rest of the current job posting language should apply.”

**Add the following language at Line 805:**

“....except in snow emergency situations, *and then only the bid person shall be allowed to displace someone.*”

**ARTICLE 24 SNOW REMOVAL EMERGENCIES:**

Line 838: State winter section snowplow truck bid employees will be offered the late evening and early morning State Highway roamer and surveillance work after their four (4) hour off-the-road time period has expired. The non-regular work hour overtime work carried out by the state Highway roamer trucks will be offered to State winter bid section employees by seniority.

On non-scheduled work days and for emergency call-in purposes, when a call is received for scraping ice off a roadway, the bid section employee will be called to operate a tandem truck with an underbody scraper. The second call will be highway crew seniority at the nearest shop, followed by overall highway crew seniority.

**SCHEDULE A**

Line 936, Level C

Move the Foreman Traffic to the “A” Classification with the Chief Mechanic and Chief Blacksmith and eliminate the “C” Classification.

Line 948, Level E

Add the following new union bid position: Bridge Crew/Blacksmith Helper

**Line 949, Level E:**

Add the following new position: Facility Mechanic-

**As a note not to be included in the labor agreement:** While the County specifically reserves its right to set qualifications for positions, the county plans on administering the same test for this position as is administered to the Facility Mechanic in the Courthouse Agreement. The County also plans on following current state rules pertaining to the 6-month effect of test scores.

**Line 956, Level F**

Amend as follows: Blacktop Layout/*Construction Grader Operator*

*CURRENT MEMORANDUMS OF UNDERSTANDING*

Chief Blacksmith	Delete
Job Bidding	Re-sign
Shorts	Re-sign
Fuel Man	Re-sign
CDL Loss Policy	Renew

MECHANIC TOOL INSURANCE: County to insure up to \$30,000 upon verified written inventory.

STOCKROOM CLERK: This position will be treated as a Shop employee for snow removal purposes.

**This concludes the offer.**

Approved by:       \s\ Nancy J. Nusbaum, County Executive       Date: 10/3/2002

**No. 10g -- RESOLUTION REGARDING: SUPPORT FOR THE PREPARATION OF A REGIONAL MASTER PLAN (COMPREHENSIVE PLAN) FOR THE BAY-LAKE REGION**

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE  
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, Section 66.0309(9) of the Wisconsin Statutes specifies that the Bay Lake Regional Planning Commission has the function and duty of making and adopting a master plan of the region, containing at least the nine elements described in 66.1001 of the Wisconsin Statutes; and

WHEREAS, the Bay-Lake Regional Planning Commission will be preparing a regional master plan funded in part from a grant from the Wisconsin Department of Administration Office of Land Information Services; and

WHEREAS, the Bay-Lake Regional Planning Commission master plan will provide an advisory framework plan for the counties of Brown, Door, Florence, Kewaunee, Manitowoc, Marinette, Oconto and Sheboygan by which local plans can be coordinated; and

WHEREAS, the regional master plan will contain the same elements as required by Wisconsin Statutes for in county development plans: issues and opportunities elements, a housing element, a transportation element, a utilities and community facilities element, an agricultural, natural and cultural resources element, an economic development element, an intergovernmental cooperation element for joint planning and decision making with other local units of government, a land-use element, and an implementation element; and

WHEREAS, information collected and analyzed as part of the preparation of the elements of the Bay-Lake Regional Planning Commission master plan will be provided to the counties of Brown, Door, Florence, Kewaunee, Manitowoc, Marinette, Oconto and Sheboygan for use in preparing county development plans; and

WHEREAS, the regional master plan encompassing the counties of Brown, Door, Florence, Kewaunee, Manitowoc, Marinette, Oconto and Sheboygan will promote regional and intergovernmental cooperation and will lead to efficient use of resources.

NOW, THEREFORE, BE IT RESOLVED that the County of Brown hereby supports the preparation of a regional master plan by Bay-Lake Regional Planning Commission; and

BE IT FURTHER RESOLVED that the County of Brown hereby appoints Bill Clancy to be the County's liaison to the Bay-Lake Regional Planning Commission for matters dealing with the preparation of the regional master plan by the Bay-Lake Regional Planning Commission.

Respectfully submitted,  
PLANNING, DEVELOPMENT AND  
TRANSPORTATION COMMITTEE

**Attachment**

May 9, 2002  
Mr. Ken Simons  
Brown County Board Chair  
P O Box 23600  
Green Bay, WI 54305-3600

Re: Resolution of support for preparation of regional comprehensive plan.

Dear Mr. Simons:

This year the Bay-Lake Regional Planning Commission is undertaking the preparation of a regional master plan, otherwise known as a comprehensive plan, for its eight-county region consisting of the counties of Brown, Door, Florence, Kewaunee, Manitowoc, Marinette, Oconto

and Sheboygan. The Commission will prepare the plan in accordance with Wisconsin Statutes 66.1001 **Comprehensive Planning**, which are the same statutes that apply to the counties for the development of a county-development plan.

The regional comprehensive plan is an advisory document that is intended to serve as a framework plan from which county and local plans can be carried out in greater detail. The regional comprehensive plan will help achieve consistency among county plans and help counties fulfill the statutory requirements for the intergovernmental cooperation element of comprehensive plans. Information collected by the Commission as part of the making of the regional plan will be provided to the counties and may result in cost savings to the counties in the preparation of county development plans.

At the April 2002 BLRPC meeting, the BLRPC Commissioners moved to solicit the support of the counties within the Bay-Lake Region for the preparation of the regional comprehensive plan and to request that counties appoint a liaison to the Commissions for matters related to the preparation of the regional comprehensive plan. I have enclosed a draft resolution for your consideration. Please note that the resolution is not a request for funding nor is it a resolution adopting the plan. For your information, I have also enclosed the document entitled *Procedures for Public Participation for Adoption or Amendment of the Bay-Lake Regional Planning Commission Comprehensive Plan* and an outline of the proposed regional comprehensive plan. If you have any questions, please feel free to contact me.

Sincerely,  
Martin W. Holden  
Executive Director

**PROCEDURES FOR PUBLIC PARTICIPATION FOR ADOPTION OR AMENDMENT  
OF THE  
BAY-LAKE REGIONAL PLANNING COMMISSION COMPREHENSIVE PLAN**

**Bay-Lake Regional Planning Commission  
Master Plan  
WRITTEN PROCEDURES TO FOSTER PUBLIC PARTICIPATION**

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**INTRODUCTION**

In accordance with Wis. Stat. 66.1001(4), which defines “Procedures for Adopting Comprehensive Plans”, the following written procedures will be followed by the Bay-Lake Regional Planning Commission (BLRPC) to adopt or amend the regional master plan and to involve the public in the comprehensive planning process. Per Wis. Stats. 66.1001(4) a “Comprehensive Plan” means a master plan adopted by a regional planning commission under Wis. Stats. 66.0309(8), (9) or (10).

## **COMMITTEE RESPONSIBILITIES**

### **BLRPC Executive Committee**

The Executive Committee of the Commission is authorized to prepare or amend the comprehensive plan and recommend the adoption of the adoption or amendment to the Commission. The Commissions by-laws require that any element of the Commission master plan must be approved by a two-thirds vote of the entire Commission.

### **Regional Technical Advisory Committee (TAC)**

The Bay-Lake Regional Planning Commission designates its Regional Technical Advisory Committee (TAC) as the primary technical review body for the development of the Regional Master Plan. The TAC is comprised of county and community planners and administrators, state and federal agency staff (U.S. Army Corps of Engineers, WDNR, WisDOT, U.S. Fish and Wildlife Service, etc.), and County UW-Extension staff.

The TAC meets quarterly to exchange information about ongoing planning activities, to discuss issues related to community development and to review the Commission's ongoing projects and programs. The TAC will continue to meet on a quarterly basis but will also be called upon to meet as often as needed to review specific elements of the Regional Master Plan.

### **Ad-hoc Committees**

Special ad-hoc committees comprised of professionals and citizens with expertise in specific elements of the plan will be created by the BLRPC and utilized to review the elements of the plan that have a specific and narrow focus such as transit, harbor development, housing, etc. These special ad-hoc committees will be short-term, meeting on one or two occasions to review the specific plan element.

## **PUBLIC PARTICIPATION AND CITIZEN INPUT**

### **Focus Groups and Issues Forums**

A nominal group meeting shall be held with the Executive Committee, and one issue forum shall be held in each county in the region with the assistance of the University of Wisconsin Extension. The purpose of these meetings will be to identify regional issues that need to be considered in the comprehensive plan.

### **Newsletter**

The Commission will use its quarterly newsletter to inform citizens on the progress of the regional plan as it is developed.

### **BLRPC WEB Page**

The Commission will post information on meetings, the status of the plan, and draft elements of the plan on its WEB site: [www.baylakerpc.org](http://www.baylakerpc.org).

### **Regional Surveys**

Based upon issues identified from the results of the nominal group meetings, the Commission will develop and mail a survey to local government officials. The survey shall serve as further

notice to the citizens of the region that the Commission is development a comprehensive plan and their input is being sought to establish community needs and desires.

### **Open Houses**

The Commission will hold open houses in order to present information regarding the comprehensive plan. One set of open houses will be held at the “midway” point to present background data and the other set of open houses will be held at the end of the process prior to the public hearing. The open houses shall be noticed in the regional newspapers and will be held in central locations in the region. The open houses will provide the public with an opportunity to review and comment on work that has been accomplished by the Bay-Lake Regional Planning Commission and the Executive Committee.

### **Additional Steps of Public Participation**

The Commission will take additional steps to foster public participation as funds permit. These optional steps may include informational meetings, mailings, focus groups, informational posters and pamphlets.

## **AMENDMENT OR ADOPTION OF THE COMPREHENSIVE PLAN**

### **Executive Committee Recommendation Resolution**

The Executive Committee will adopt a resolution by a majority vote, recommending the adoption or amendment of the Comprehensive Plan by the Commission. The resolution and majority vote will take place at a regularly scheduled and publicly noticed meeting of the Executive Committee. The vote shall be recorded in the official minutes of the Executive Committee. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan and to other matters as required by Wis. Stat. 66.0309(8), (9) and (10).

### **Distribution of the Recommended Amendment or Comprehensive Plan**

In accordance with Wis. Stat. 66.1001(4), Procedures for Adopting Comprehensive Plans, one copy of the plan recommended for adoption by the Executive Committee will be sent to the following in either digital or printed form:

1. Every governmental body that is located in whole or in part within the boundaries of the local governmental unit.
2. The clerk of every local governmental unit that is adjacent to the local governmental unit which is the subject of the plan.
3. The Wisconsin Land Council.
4. The Wisconsin Department of Administration.
5. At least one local library in each county in the region.

Citizens will have a minimum two week opportunity to review and provide written comments on the recommended amendment or comprehensive plan. After the Commission has received all written comments, the Commission shall respond in writing collectively or individually to the comments received and maintain a disposition log of such comments.

## **BLRPC Adoption of Amendment or Comprehensive Plan**

### **Public Hearing**

The commission will hold one public hearing at a central location within the region at which the proposed ordinance will be discussed. The hearing will be preceded by a class 1 notice under ch. 985 that is published at least 30 days before the hearing is held. The class 1 notice shall contain at least the following information:

1. The date, time, and place of the hearing.
2. A summary, which may include a map, of the proposed comprehensive plan.
3. The name of an individual employed by the Commission who may provide additional information regarding the proposed ordinance adopting the amendment or comprehensive plan.
4. Information relating to where and when the proposed comprehensive plan may be inspected before the hearing, and how a copy of the plan may be obtained.

After the Commission has received all written comment, the Commission shall respond in writing collectively or individually to the comments received and maintain a disposition log of such comments.

### **Adoption by Ordinance**

After adoption of the resolution by the Executive Committee recommending amendment or adoption of the comprehensive plan, after the required public hearing, and after receipt and response to public comment, the Commission will adopt the amendment or comprehensive plan by ordinance. A two-thirds majority vote of the entire Commission is necessary for adoption of any element of the comprehensive plan.

### **Local Adoption of Plans**

Upon adoption of the plan or amendment by the Commission, the Commission will request that each county pass a resolution in support of the regional comprehensive plan. Any local governmental unit within the region may adopt all or any portion of the amendment or comprehensive plan per Wis. Stats. 66.0309(12)(a).

### **Distribution of the Adopted Amendment or Comprehensive Plan**

In accordance with Wis. Stat. 66.1001(4), Procedures for Adopting Comprehensive Plans, upon adoption by the Commission, one copy of the plan in either digital or printed form will be sent to the following:

1. Every governmental body that is located in whole or in part within the boundaries of the local governmental unit.
2. The clerk of every local governmental unit that is adjacent to the local governmental unit which is the subject of the plan.
3. The Wisconsin Land Council.
4. The Wisconsin Department of Administration.
5. At least one local library in each county in the region.



## **PUBLIC NOTICES**

All meetings will be posted in advance and open to the public in accordance with state law.

### **RESOLUTION NO. 7-2002**

Resolution of the Bay-Lake Regional Planning Commission adopting written procedures to foster public participation as part of the master plan for the region as the work of making the whole master plan progresses for the physical development of the region comprised of the counties of Brown, Door, Florence, Kewaunee, Manitowoc, Marinette, Oconto and Sheboygan, in the State of Wisconsin.

WHEREAS, Section 66.0309(8) of the Wisconsin Statutes specifies that the Bay-Lake Regional Planning Commission may make plans for the physical and social development of the region consistent with the elements specified in s. 66.1001, and;

WHEREAS, Section 66.0309(9) of the Wisconsin Statutes specifies that the Bay-Lake Regional Planning Commission shall have the function and duty of making and adopting a master plan for the physical development of the region, and;

WHEREAS, Section 66.0309(10) of the Wisconsin Statutes authorized and empowers the Regional Planning Commission, as the work of making the whole master plan progresses, to adopt parts or parts thereof, and;

WHEREAS, Section 66.1001(4) of the Wisconsin State Statutes requires the Bay-Lake Regional Planning Commission adopt written procedures designed to foster public participation in the adoption or amendment of a comprehensive plan and;

WHEREAS, the Commission has prepared and publicly reviewed such written procedures entitled Procedures for Public Participation for Adoption or Amendment of the Bay-Lake Regional Planning Commission Comprehensive Plan

NOW, THEREFORE, BE IT RESOLVED:

FIRST: The Bay-Lake Regional Planning Commission officially adopts Procedures for Public Participation for Adoption or Amendment of the Bay-Lake Regional Planning Commission Comprehensive Plan

SECOND: That a true, correct, and exact copy of this resolution, together with a complete and exact copy of Procedures for Public Participation for Adoption or Amendment of the Bay-Lake Regional Planning Commission Comprehensive Plan, shall be forthwith distributed to each of the local legislative bodies of the local governmental units within the Region entitled thereto and to such other bodies, agencies or individuals as the law may require or as the Commission, its Executive Committee, or its Executive Director, at their discretion, shall determine and direct.

The foregoing resolution, upon motion duly made and seconded, was regularly adopted at the meeting of the Bay-Lake Regional Planning Commission held on the 12<sup>th</sup> day of April, 2002, the vote being:

Ayes: 17 Days: 0  
\s\ James E. Gilligan  
Chairperson

ATTEST:  
\s\ Lois L. Trever  
Secretary-Treasurer

**BLRPC – Draft Smart Growth Comprehensive Plan Outline Based on  
Wisconsin Statutes 66.0295 – May 9, 2002**

**FRONTISPIECE**

**COVER PAGE**

**INSIDE COVER**

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**LIST OF TOWN PLAN COMMISSION MEMBERS**

**LIST OF ADVISORY COMMITTEE MEMBERS**

**TITLE PAGE**

**NAME OF DOCUMENT**

**BLRPC NAME AND ADDRESS**

**CONTRACT NUMBER**

**DOCUMENT NUMBER**

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**DATE**

**TRANSMITTAL LETTER**

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A motion was made by Supervisor Daul and seconded by Supervisor Van Deurzen to adopt.

A motion was made by Supervisor Daul and seconded by Supervisor Van Deurzen to include Supervisor Clancy's name in the resolution.

Vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 10/3/2002

**No. 10h -- RESOLUTION REGARDING: ORDINANCE TO AMEND SECTION 3.26 OF THE BROWN COUNTY CODE RELATIVE TO DOG DAMAGE CLAIMS**

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1 - Section 3.26 of the Brown County Code of Ordinances entitled "CLAIMS FOR DAMAGES BY DOGS TO CERTAIN DOMESTIC ANIMALS" is hereby amended to read as follows:

3.26(1)Authority. This ordinance is established pursuant to authority provided under Sec. 174.11 ~~(5), 1995-96~~, Statutes.

(2) Limitation on Claims for Damages by Dogs to Domestic Animals. The maximum amount that may be allowed for a claim for damages by dogs to domestic animals under Sec. 174.11, Stats., shall be ~~\$1,000~~ as follows:

a. Poultry/Waterfowl (including exotics)  
\$1.00 per pound

b. Breeding Stock (Gilts and Boars, Heifers and Bulls, Ewes and Rams, Does and Bucks)  
\$1.00 per pound with a maximum limit \$300.00

- c. Young Stock and Market Stock  
\$1.00 per pound with a maximum limit of \$500.00
- d. Dairy Heifer Calves and Bull Calves  
\$1.00 per pound with a maximum limit of \$500.00
- e. Deer and Elk  
\$1.00 per pound with a maximum limit of \$500.00

Section 2 - This ordinance shall become effective upon passage and publication.

Respectfully submitted,  
PLANNING, DEVELOPMENT AND  
TRANSPORTATION COMMITTEE

A motion was made by Supervisor Kuehn and seconded by Supervisor Daul to adopt.

Motion to adopt. Vote taken. Roll Call #10h1:

Ayes: Antonneau, Graves, Nicholson, Schmitt, Miller, Haefs, Hansen, Kaye, Zima, Evans,  
Vander Leest, Johnson, Vanden Plas, Kuehn, Collins, Daul, Van Deurzen, Fleck, Clancy,  
Moynihan, Watermolen, Schadewald, Simons, Lund, Fewell

Nays: Marquardt

Total Ayes: 25 Total Nays: 1

Motion carried.

Approved by:	<u>\s\ Nancy J. Nusbaum, County Executive</u>	Date:	10/3/2002
Approved by:	<u>\s\ Darlene K. Marcelle, County Clerk</u>	Date:	10/4/2002
Approved by:	<u>\s\ Kenneth J. Simons, Board Chairman</u>	Date:	10/4/2002

**No. 10i -- RESOLUTION REGARDING: PETITION FOR STATE AID AND  
ACCOMPANYING AGENCY AGREEMENT**

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE  
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, the said County of Brown, Brown County, Wisconsin, hereinafter referred to as the Sponsor, being a municipal Body Corporate of the State of Wisconsin, is authorized by law (sec. 114.11, Wis. Stats.) to acquire, establish, construct, own, control, lease, equip, improve, maintain, and operate an airport; and

WHEREAS, the Sponsor desires to develop or improve the Austin Straubel International Airport, Brown County, Wisconsin,

## **“PETITION FOR AIRPORT PROJECT”**

WHEREAS, airport users have been consulted in formulation of the improvements included in this Resolution, and

WHEREAS, a public hearing was held prior to the adoption of this petition in accordance with Chapter 114.33(2) as amended, and a transcript of the hearing is transmitted with this petition, and

THEREFORE, BE IT RESOLVED, by the Sponsor that a petition for Federal and (or) State Aid in the following form is hereby approved:

The petitioner, desiring to sponsor an airport development project with Federal and/or State aid, in accordance with the applicable State and Federal laws, respectfully represents and states:

1. That the airport, which it is desired to develop, should generally conform to the requirements for a transport type airport as defined by the Federal Aviation Administration.
2. The character, extent, and kind of improvements desired under the project are as follows:
  - a. Reconstruct and expand general aviation ramp on the east side of the Airport;
  - b. Taxiway E reconstruction;
  - c. Clear runway approaches;and any necessary related work.
3. That the airport project, which your petitioner desires to sponsor, is necessary for the following reasons:

to meet the existing and future needs of the airport.

WHEREAS, it is recognized that the improvements petitioned for as listed will be funded individually or collectively as funds are available, with specific project costs to be approved as work is authorized, the proportionate cost of the airport development projects described above which are to be paid by the Sponsor to the Secretary of the Wisconsin Department of Transportation (hereinafter referred to as the Secretary) to be held in trust for the purposes of the project; any unneeded and unspent balance after the project is completed is to be returned to the Sponsor by the Secretary; the Sponsor will make available any additional monies that may be found necessary, upon request of the Secretary, to complete the project as described above; the Secretary shall have the right to suspend or discontinue the project at any time additional monies are found to be necessary by the Secretary, and the Sponsor does not provide the same; and

WHEREAS, the Sponsor is required by law (sec. 114.32(5), Wis. Stats.) to designate the Secretary as its agent to accept, receive, receipt for and disburse any funds granted by the United States under the Federal Airport and Airway Improvement Act, and is authorized by law to designate the Secretary as its agent for other purposes.

**“DESIGNATION OF SECRETARY OF TRANSPORTATION AS SPONSOR’S AGENT”**

THEREFORE, BE IT RESOLVED, by the Sponsor that the Secretary is hereby designated as its agent and is requested to agree to act as such in matters relating to the airport development project described above, and is hereby authorized as its agent to make all arrangements for the development and final acceptance of the completed project whether by contact, agreement, force account or otherwise; and particularly, to accept, receive, receipt for and disburse federal monies or other monies, either public or private, for the acquisition, construction, improvement, maintenance and operation of the airport; and, to acquire property or interests in property by purchase, gift, lease, or eminent domain under Chapter 32 of the Wisconsin Statutes; and, to supervise the work of any engineer, appraiser, negotiator, contractor or other person employed by the Secretary; and, to execute any assurances or other documents required or requested by any agency of the Federal government and to comply with all federal and state laws, rules, and regulations relating to airport development projects.

FURTHER, the Sponsor requests that the Secretary provide, per Section 114.33(8)(a) of the Wis. Stats., that the Sponsor may acquire the required land or interests in land that the Secretary shall find necessary to complete the aforesaid project.

**“AIRPORT OWNER ASSURANCES”**

AND BE IT FURTHER RESOLVED, that the Sponsor agrees to maintain and operate the airport in accordance with certain conditions established in Chapter Trans 55, Wisconsin Administrative Code, or in accordance with Sponsor assurances enumerated in a Federal Grant Agreement.

AND BE IT FURTHER RESOLVED THAT THE County Executive and County Clerk be authorized to sign and execute the Agency Agreement authorized by this Resolution.

RESOLUTION INTRODUCED BY: Planning, Development and Transportation  
Committee

APPROVED BY:

\s\ Nancy J. Nusbaum  
County Executive

9/26/02  
Date

**CERTIFICATION**

I, Darlene K. Marcelle, Clerk of the County of Brown, Wisconsin, do hereby certify that the foregoing is a correct copy of a Resolution introduced at a meeting of the Brown County board of Supervisors on September 18, 2002, adopted by a majority vote, and recorded in the minutes of said meeting.

\s\ Darlene K. Marcelle  
9/26/02  
Date

**AGENCY AGREEMENT**

**DEPARTMENT OF TRANSPORTATION  
BUREAU OF AERONAUTICS  
Madison, Wisconsin**

**AN AGREEMENT DESIGNATING THE SECRETARY OF  
TRANSPORTATION AS ITS AGENT**

WHEREAS, the County of Brown, Brown County, Wisconsin, hereinafter referred to as the Sponsor, desires to sponsor an airport development project to be constructed with federal aid and/or state aid, specifically, the Austin Straubel International Airport project to:

Reconstruct and expand general aviation ramp on the east side of the Airport; Taxiway E reconstruction; clear runway approaches; and any necessary related work; and

WHEREAS, the Sponsor adopted a resolution on September 18, 2002 a copy of which is attached hereto and the prescribed terms and conditions of which are hereby fully incorporated into this agreement, designating the Secretary as its agent and requesting the Secretary to act as such as set forth in the resolution; and

WHEREAS, upon such request, the Secretary is authorized by law to act as agent for the Sponsor until financial closing of this project;

NOW THEREFORE, the Sponsor and the Secretary do mutually agree that the Secretary shall act as the Sponsor's agent in the matter of the airport development described above as provided by law and as set forth in the attached resolution; provided, however, that the Secretary is not required to provide legal services to the Sponsor.

IN WITNESS WHEREOF, the authorized representatives of the parties hereto have affixed their signatures and the seal of the parties.

WITNESS:

The County of Brown  
Brown County, Wisconsin  
Sponsor

\s\ Darlene K. Marcelle  
County Clerk

By: \s\ Nancy J. Nusbaum  
County Executive

Date: 9/26/02

Date: 9/26/02

By: SECRETARY OF TRANSPORTATION

David M. Greene, Director  
Bureau of Aeronautics

Date: \_\_\_\_\_

A motion was made by Supervisor Nicholson and seconded by Supervisor Schmitt to adopt.  
Vote taken. Roll Call #10i1:

Ayes: Antonneau, Graves, Nicholson, Schmitt, Miller, Haefs, Hansen, Kaye, Zima, Evans,  
Vander Leest, Johnson, Vanden Plas, Kuehn, Collins, Marquardt, Daul, Van Deurzen,  
Fleck, Clancy, Moynihan, Watermolen, Schadewald, Simons, Lund, Fewell

Nays: None

Total Ayes: 26 Total Nays: 0

Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 9/26/2002

**No. 10j -- RESOLUTION REGARDING: CRIME PREVENTION AWARENESS MONTH**

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE  
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, the purpose of the Crime Prevention Foundation of Brown County is to proactively prevent crime and its' societal costs in Brown County; and

WHEREAS, Brown County has the only Crime Prevention Foundation of its kind in the United States; and

WHEREAS, every dollar spent on prevention translates to ten dollars in costs saved later on.

NOW, THEREFORE, BE IT RESOLVED, that the Brown County Board of Supervisors supports the Crime Prevention Foundation of Brown County and recognize October as Crime Prevention Awareness Month.

Respectfully submitted,  
PUBLIC SAFETY COMMITTEE

A motion was made by Supervisor Daul and seconded by Supervisor Marquardt to adopt. Vote taken. Roll Call #10j1:

Ayes: Antonneau, Graves, Nicholson, Schmitt, Miller, Haefs, Hansen, Kaye, Zima, Evans,  
Vander Leest, Johnson, Vanden Plas, Kuehn, Collins, Marquardt, Daul, Van Deurzen,  
Fleck, Clancy, Moynihan, Watermolen, Schadewald, Simons, Lund, Fewell

Nays: None

Total Ayes: 26 Total Nays: 0

Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 10/3/2002



**No. 10k -- ORDINANCE REGARDING: TO AMEND SECTION 30.02 OF THE BROWN COUNTY CODE – SCHEDULE OF DEPOSITS**

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1 - Sec. 30.02 of the Brown County Code entitled “Ordinance Enforcement by Citation: is hereby amended to read as follows:

**SCHEDULE OF DEPOSITS – LOCAL BROWN COUNTY ORDINANCES**

ORDINANCE NUMBER	OFFENSE	DEPOSIT	SEC. 757.05(1)(A) 24% PENALTY ASSESSMENT	COURT COSTS AND FEES	JAIL ASSESSMENT	TOTAL CASH DEPOSIT
6.04	Structure Prohibited Within Setback Lines	150.00	36.00	<del>79.00</del> <u>91.00</u>	10.00	<del>275.00</del> <u>287.00</u>
6.05	Structure Permitted Within Setback Lines	150.00	36.00	<del>79.00</del> <u>91.00</u>	10.00	<del>275.00</del> <u>287.00</u>
7.11	Obstructing Emergency Government	150.00	36.00	<del>79.00</del> <u>91.00</u>	10.00	<del>275.00</del> <u>287.00</u>
8.03(1)	Parks/Deface Property	100.00	24.00	<del>79.00</del> <u>91.00</u>	10.00	<del>213.00</del> <u>225.00</u>
8.03(2)	Parks/Litter Water	50.00	12.00	<del>79.00</del> <u>91.00</u>	10.00	<del>151.00</del> <u>163.00</u>
8.03(3)	Parks/Disorderly Conduct	100.00	24.00	<del>79.00</del> <u>91.00</u>	10.00	<del>213.00</del> <u>225.00</u>
8.03(4)	Parks/Endangering Others/Damage Property of Others	100.00	24.00	<del>79.00</del> <u>91.00</u>	10.00	<del>213.00</del> <u>225.00</u>
8.03(5)	Parks/Violation	40.00	9.60	<del>79.00</del> <u>91.00</u>	10.00	<del>138.60</del> <u>150.60</u>
8.03(6)	Parks/Prevent or Interfere with Public's Use of any Park	100.00	24.00	<del>79.00</del> <u>91.00</u>	10.00	<del>213.00</del> <u>225.00</u>
8.04	Parks/Hours	20.00	4.80	<del>79.00</del> <u>91.00</u>	10.00	<del>113.80</del> <u>125.80</u>
8.05	Parks/Fires	20.00	4.80	<del>79.00</del> <u>91.00</u>	10.00	<del>113.80</del> <u>125.80</u>
8.06	Parks/Refuse	20.00	4.80	<del>79.00</del> <u>91.00</u>	10.00	<del>113.80</del> <u>125.80</u>
8.07	Parks/Firearms and Arms	40.00	9.60	<del>79.00</del> <u>91.00</u>	10.00	<del>138.60</del> <u>150.60</u>
8.08	Parks/Pets	20.00	4.80	<del>79.00</del> <u>91.00</u>	10.00	<del>113.80</del> <u>125.80</u>
8.09	Parks/Horses	20.00	4.80	<del>79.00</del> <u>91.00</u>	10.00	<del>113.80</del> <u>125.80</u>
8.10	Parks/Motor Vehicles	40.00	9.60	<del>79.00</del> <u>91.00</u>	10.00	<del>138.60</del> <u>150.60</u>
8.11	Parks/Snowmobiles	40.00	9.60	<del>79.00</del> <u>91.00</u>	10.00	<del>138.60</del> <u>150.60</u>
8.12	County Boat Launches	40.00	9.60	<del>79.00</del> <u>91.00</u>	10.00	<del>138.60</del> <u>150.60</u>
8.13	Parks/Off the Road Vehicles	40.00	9.60	<del>79.00</del> <u>91.00</u>	10.00	<del>138.60</del> <u>150.60</u>

ORDINANCE NUMBER	OFFENSE	DEPOSIT	SEC. 757.05(1)(A) 24% PENALTY ASSESSMENT	COURT COSTS AND FEES	JAIL ASSESSMENT	TOTAL CASH DEPOSIT
8.14	Parks/Molest Animals	100.00	24.00	<del>79.00</del> <u>91.00</u>	10.00	<del>213.00</del> <u>225.00</u>
8.15	Parks/Use of Park Facilities to the Exclusion of Others Without Written Permit	100.00	24.00	<del>79.00</del> <u>91.00</u>	10.00	<del>213.00</del> <u>225.00</u>
8.15(4)	Parks/Dates Intoxicants (Bear & Wine)	20.00	4.80	<del>79.00</del> <u>91.00</u>	10.00	<del>113.80</del> <u>125.80</u>
8.15(5)	Parks/Fairgrounds During the Fair (Intoxicants)	20.00	4.80	<del>79.00</del> <u>91.00</u>	10.00	<del>113.80</del> <u>125.80</u>
8.16	Parks/Group Activities	100.00	24.00	<del>79.00</del> <u>91.00</u>	10.00	<del>213.00</del> <u>225.00</u>
8.17	Other Activities	20.00	4.80	<del>79.00</del> <u>91.00</u>	10.00	<del>113.80</del> <u>125.80</u>
8.19	Parks/Unauthorized Signs	40.00	9.60	<del>79.00</del> <u>91.00</u>	10.00	<del>138.60</del> <u>150.60</u>
8.20	Parks/Camping	40.00	9.60	<del>79.00</del> <u>91.00</u>	10.00	<del>138.60</del> <u>150.60</u>
8.21	Metal Detectors	20.00	4.80	<del>79.00</del> <u>91.00</u>	10.00	<del>113.80</del> <u>125.80</u>
8.22	Additional Rules & Regulations	40.00	9.60	<del>79.00</del> <u>91.00</u>	10.00	<del>138.60</del> <u>150.60</u>
8.225	Parks/Noise	60.0	14.40	<del>79.00</del> <u>91.00</u>	10.00	<del>163.40</del> <u>175.40</u>
8.23(2)	Golf Course Regulations	40.00	9.60	<del>79.00</del> <u>91.00</u>	10.00	<del>138.60</del> <u>150.60</u>
8.23(3)	Golf Course/Interference Permittees	100.00	24.00	<del>79.00</del> <u>91.00</u>	10.00	<del>213.00</del> <u>225.00</u>
8.23(4)	Golf Course/Use of Liquor	100.00	24.00	<del>79.00</del> <u>91.00</u>	10.00	<del>213.00</del> <u>225.00</u>
8.23(5)	Golf Course/Disorderly Conduct	100.00	24.00	<del>79.00</del> <u>91.00</u>	10.00	<del>213.00</del> <u>225.00</u>
11.01	Private Sewage System Regulation	500.00	120.00	<del>79.00</del> <u>91.00</u>	10.00	<del>709.00</del> <u>721.00</u>
12.01	Solid Waste Disposal Operations	1000.00	240.00	<del>79.00</del> <u>91.00</u>	10.00	<del>1329.00</del> <u>1341.00</u>
12.04	Recycling Centers	200.00	48.00	<del>79.00</del> <u>91.00</u>	10.00	<del>337.00</del> <u>349.00</u>
13.03	Abandoned Vehicle (Parking Ticket \$10.00 + Wrecker Bill)	N/A	N/A	N/A	N/A	N/A
Ch. 21	Subdivision & Plotting Regulations	400.00	96.00	<del>79.00</del> <u>91.00</u>	10.00	<del>585.00</del> <u>597.00</u>
Ch. 22	Shorelands & Floodplains	175.00	42.00	<del>79.00</del> <u>91.00</u>	10.00	<del>306.00</del> <u>318.00</u>
Ch. 24	Airport Zoning Districts	150.00	36.00	<del>79.00</del> <u>91.00</u>	10.00	<del>275.00</del> <u>287.00</u>
25.07(2) & (4)	Airport Traffic Regulations	150.00	36.00	<del>79.00</del> <u>91.00</u>	10.00	<del>275.00</del> <u>287.00</u>
25.07(3)	Airport Traffic Regulations (Speed)	50.00	12.00	<del>79.00</del> <u>91.00</u>	10.00	<del>151.00</del> <u>163.00</u>

ORDINANCE NUMBER	OFFENSE	DEPOSIT	SEC. 757.05(1)(A) 24% PENALTY ASSESSMENT	COURT COSTS AND FEES	JAIL ASSESSMENT	TOTAL CASH DEPOSIT
25.08	Airport Parking Regulations (County Parking Ticket \$5.00)	N/A	N/A	N/A	N/A	N/A
25.09	Conveyors of Public Transportation	50.00	12.00	<del>79.00</del> <u>91.00</u>	10.00	<del>151.00</del> <u>163.00</u>
25.10	Literature & Newspaper Rack Prohibitions	50.00	12.00	<del>79.00</del> <u>91.00</u>	10.00	<del>151.00</del> <u>163.00</u>
30.01	Private Alarm Systems	100.00	24.00	<del>79.00</del> <u>91.00</u>	10.00	<del>213.00</del> <u>225.00</u>
31.01	Resisting or Obstructing Officer	100.00	24.00	<del>79.00</del> <u>91.00</u>	10.00	<del>213.00</del> <u>225.00</u>
31.02	Disorderly Conduct	100.00	24.00	<del>79.00</del> <u>91.00</u>	10.00	<del>213.00</del> <u>225.00</u>
31.03	Prohibited Operation on Icebound Waters	50.00	12.00	<del>79.00</del> <u>91.00</u>	10.00	<del>151.00</del> <u>163.00</u>
31.045	Prohibited Vehicles Snowmobile Trails	50.00	12.00	<del>79.00</del> <u>91.00</u>	10.00	<del>151.00</del> <u>163.00</u>
31.05	Litter from Vehicles (To Solid Waste Site)	50.00	12.00	<del>79.00</del> <u>91.00</u>	10.00	<del>151.00</del> <u>163.00</u>
31.06	Trespass to Dwelling	100.00	24.00	<del>79.00</del> <u>91.00</u>	10.00	<del>213.00</del> <u>225.00</u>
31.07	Petty Theft			SEE GRADUATED SCALE		
31.08	Damage to Property	100.00	24.00	<del>79.00</del> <u>91.00</u>	10.00	<del>213.00</del> <u>225.00</u>
31.09	Shoplifting			SEE GRADUATED SCALE		
31.11	Restaurant Keeper	100.00	24.00	<del>79.00</del> <u>91.00</u>	10.00	<del>213.00</del> <u>225.00</u>
31.12	Worthless Checks	200.00	48.00	<del>79.00</del> <u>91.00</u>	10.00	<del>337.00</del> <u>349.00</u>
31.13	Trespass to Land	50.00	12.00	<del>79.00</del> <u>91.00</u>	10.00	<del>151.00</del> <u>163.00</u>
31.15	Unlawful Use of Telephone	100.00	24.00	<del>79.00</del> <u>91.00</u>	10.00	<del>213.00</del> <u>225.00</u>
31.15	Unlawful Use of Telephone (2 <sup>nd</sup> Violation within 4 years)	200.00	48.00	<del>79.00</del> <u>91.00</u>	10.00	<del>337.00</del> <u>349.00</u>
31.16(1) & (2)	Arena/Intoxicants at Brown County Arena	25.00	6.00	<del>79.00</del> <u>91.00</u>	10.00	<del>120.00</del> <u>132.00</u>
31.17	Arena/Smoking At Brown County Arena	25.00	6.00	<del>79.00</del> <u>91.00</u>	10.00	<del>120.00</del> <u>132.00</u>
31.18	Truancy	20.00	4.80	<del>79.00</del> <u>91.00</u>	10.00	<del>113.80</del> <u>125.80</u>
31.19	Possession of Marijuana	50.00	12.00	<del>79.00</del> <u>91.00</u>	10.00	<del>151.00</del> <u>163.00</u>
31.20	Sale of Gift of Cigarettes/(except) Tobacco products	100.00	24.00	<del>79.00</del> <u>91.00</u>	10.00	<del>213.00</del> <u>225.00</u>

ORDINANCE NUMBER	OFFENSE	DEPOSIT	SEC. 757.05(1)(A) 24% PENALTY ASSESSMENT	COURT COSTS AND FEES	JAIL ASSESSMENT	TOTAL CASH DEPOSIT
31.20(2)(b)	Signs as to tobacco vending machines - \$25.00 ticket	N/A	N/A	N/A	N/A	N/A
32.00	Equal Opportunities in Housing	100.00	24.00	<del>79.00</del> 91.00	10.00	<del>213.00</del> 225.00
33.00	Public Assemblages	2000.00	480.00	<del>79.00</del> 91.00	10.00	<del>2579.00</del> 2591.00
34.04	Clean Indoor Air	25.00	6.00	<del>79.00</del> 91.00	10.00	<del>120.00</del> 132.00
340.0011	Disorderly Conduct w/Motor Vehicle	50.00	12.00	<del>79.00</del> 91.00	10.00	<del>151.00</del> 163.00
340.0011	Disorderly Conduct w/Motor Vehicle (2 <sup>nd</sup> Violation within 2 years)	100.00	24.00	<del>79.00</del> 91.00	10.00	<del>213.00</del> 225.00
Ch. 37	Public Health Regulations	175.00	42.00	<del>79.00</del> 91.00	10.00	<del>306.00</del> 318.00
Ch. 38	Public Health Nuisance	175.00	42.00	<del>79.00</del> 91.00	10.00	<del>306.00</del> 318.00
Ch. 39	Noise Control	175.00	42.00	<del>79.00</del> 91.00	10.00	<del>306.00</del> 318.00
Ch. 40	Tattoo Health & Sanitary req.	100.00	24.00	<del>79.00</del> 91.00	10.00	<del>213.00</del> 225.00

#### GRADUATED SCALE

<u>Value of Property</u>					
.01 – 10.00	40.00	9.60	79.00	10.00	138.60
10.01 – 50.00	60.00	14.40	79.00	10.00	163.40
50.01 – 100.00	120.00	28.80	79.00	10.00	237.80
100.01 – 200.00	200.00	48.00	79.00	10.00	337.00

\* Includes Court Costs (\$25.00), Justice Information Fee (\$9.00, Crime Lab and Drug Assessment (\$5.00), plus Court Support Fee (~~\$40.00~~) (\$52.00).

Section 2 - This ordinance applies to ordinance violations occurring on or after September 1, 2001 as required by Sec. 757.05 of the Wisconsin Statutes enacted as 2001 Wisconsin Act 16.

Section 3 - This ordinance shall become effective upon passage and publication.

Respectfully submitted,  
PUBLIC SAFETY COMMITTEE

A motion was made by Supervisor Miller and seconded by Supervisor Haefs to adopt. Vote taken. Roll Call #10k1:

Ayes: Antonneau, Graves, Nicholson, Schmitt, Miller, Haefs, Hansen, Kaye, Zima, Evans, Vander Leest, Johnson, Vanden Plas, Kuehn, Collins, Marquardt, Daul, Van Deurzen, Fleck, Clancy, Moynihan, Watermolen, Schadewald, Simons, Lund, Fewell

Nays: None

Total Ayes: 26 Total Nays: 0

Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 10/3/2002

Approved by: \s\ Darlene K. Marcelle, County Clerk Date: 10/4/2002

Approved by: \s\ Kenneth J. Simons, Board Chairman Date: 10/4/2002

**No. 11 -- Such other matters as authorized by law. None.**

**No. 12 -- Bills over \$10,000 for period ending September 3, 2002.**

A motion was made by Supervisor Watermolen and seconded by Supervisor Vanden Plas to adopt. Vote taken. Motion carried. Supervisor Marquardt abstained.

**No. 13 -- Closing Roll Call:**

Present: Antonneau, Nicholson, Miller, Hansen, Zima, Vander Leest, Vanden Plas, Collins, Daul, Fleck, Moynihan, Schadewald, Lund, Graves, Schmitt, Haefs, Kaye, Evans, Johnson, Kuehn, Marquardt, Van Deurzen, Clancy, Watermolen, Simons, Fewell

Total Present: 26

**No. 14 -- ADJOURNMENT OT WEDNESDAY, OCTOBER 16, 2002 AT 7:00 P.M., UW-EXTENSION, DONOVAN HALL, 1150 BELLEVUE STREET, GREEN BAY, WISCONSIN.**

A motion was made by Supervisor Johnson and seconded by Supervisor Schmitt to adjourn to the above date and time. Vote taken. Motion carried unanimously with no abstentions.

\s\ DARLENE K. MARCELLE

Brown County Clerk